

**REMARKS**

Claims 26-35, 37, 40-46 and 94 are pending in this application. Claim 93 has been cancelled. Claim 94 is newly added and other claims that have been amended to depend from 94.

**Report of Interview**

Applicants presented for preliminary comment the new independent claim that is now formally presented. The Examiner said that it would be easier to consider if presented formally than informally. It was not discussed substantively, because the Examiner insisted on formal submission

**Rejection Under 35 U.S.C. § 103(a) of Claims 26-35, 37, 40-46**

The Examiner rejects **claims 26-35, 37, 40-46** under 35 U.S.C. § 103(a) as unpatentable over Landvater (US 6,609,101) in view of Display Unlimited (www.displayunlimited.com).

**Claim 94**

**The newly added claim 94** includes the limitations:

*A computer-implemented method of simulating demand for and stocking of items in standard presentation fixture types used in sales outlets having differing floor plans, including:*

*modeling with a schedule of display fixtures, which is a data structure stored in computer readable memory, fixtures and fixture capacities in a plurality of selling locations, wherein the schedule of display fixtures includes*

*fixture identifiers for a plurality of fixture types;*

*quantities of the fixtures present at particular selling locations; and*

*distinguishing names for instances of a fixture type at a particular location, the distinguishing names chosen to correlate use of a particular fixture type across multiple locations that have differing floor plans;*

*modeling with a schedule of presentation dates, which is a data structure stored in computer readable memory, quantities required and dates during which particular items will be displayed in the display fixtures at the selling locations;*

*modeling ordering dates with time elements, which collectively represent the lead time for an order or other action to lead to stocking of the display fixtures at the selling locations, wherein the time elements are selected and combined into an overall lead time for the particular items at particular selling locations;*

*simulating sales of the items at the locations during a predetermined selling period and orders that would need to be placed to stock the display fixture setups and to satisfy the simulated sales, using the selected time elements for the lead time and the presentation dates and the quantities; and*

*reporting results of the simulating.*

These limitations are not found in Landvater in view of Display Unlimited.

In this claim, we have expressed the limitations of claim 127 of the '539 application (our BLFR 1005-1), which Examiner Jeanty deemed sufficient to make that case allowable. For comparison, the limitations of claim 127 were:

*modeling with a schedule of display fixtures, which is a data structure stored in computer readable memory, fixtures and fixture capacities in the plurality of locations, the schedule of display fixtures including fixture identifiers for a plurality of fixture types and quantities of the fixtures present at particular selling locations;*

*associating particular presentation events with use of particular display fixture types to display particular items; and*

*deriving at least some of the presentation quantity requirements from the use of the particular display fixture types to display the particular items*

It is apparent that we have included more than the limitations which were added to make the other case allowable. Accordingly, this case should be allowable as well.

Dependent Claims 26-35, 37, 40-46

These should be allowable over Landvater in view of Display Unlimited because they depend from an allowable independent claims and for the reasons given in response to prior office actions, which are hereby incorporated by reference.

Applicants respectfully submit that the claims should be allowed over Landvater in view of Display Unlimited.

**CONCLUSION**

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

***Fee Authorization.*** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (BLFR 1001-1).

Respectfully submitted,

Dated: 06 December 2007

/Ernest J. Beffel, Jr./  
Ernest J. Beffel, Jr.  
Registration No. 43,489

Haynes Beffel & Wolfeld LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
Telephone: (650) 712-0340  
Facsimile: (650) 712-0263